

REMARKS

Claims 11 and 14-20 were pending in the present application. Claims 14-16 have been withdrawn from consideration. New claims 21-25 have been added herein. No new matter has been added. Upon entry of the present amendment, claims 11 and 14-25 will remain pending (of which 14-16 are withdrawn).

I. The Claimed Invention Is Not Obvious

Claims 11 and 17-20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the combination of Ortlepp et al., Eur. J. Pharmacol., 2002, 436, 145-150 (hereinafter, the “Ortlepp reference”) and Yoneyama et al., Jpn. J. Pharmacol., 2002, 89, 193-196 (hereinafter, the “Yoneyama reference”). Applicants traverse the rejection and respectfully request reconsideration because the combination of cited references fails to produce the claimed invention.

The Office mistakenly asserts that it would have been *prima facie* obvious for one skilled in the art to “administer compound I:4 in place of irbesartan in the treatment of metabolic syndrome taught by Ortlepp, giving the method of the instant claims” (see, Office Action at page 5). Applicants respectfully disagree.

The only reason provided by the Office for replacing the irbesartan from the Ortlepp reference with the L-158,809 of the Yoneyama reference is “the substitution of one art-recognized equivalent compound (Compound I:4) for another (irbesartan) in terms of angiotensin II receptor antagonist activity” (see, Office Action at page 5). The goal of the Ortlepp reference, however, was to assess metabolic syndrome, not to assess solely cardiovascular effects. Indeed, the Ortlepp reference reports:

This study was performed in order to assess the potentially different effects of the angiotensin-converting enzyme inhibitor captopril and of the angiotensin II receptor antagonist irbesartan on the metabolic syndrome in an animal model.

(see, Abstract of the Ortlepp reference). Applicants’ undersigned representative has been unable to locate any teaching in the Yoneyama reference regarding metabolic syndrome, let alone that L-158,809 would be expected to have any effect on metabolic syndrome. Indeed, the Yoneyama

reference reports cardiovascular effects of L-158,809. Considering the goal of the Ortlepp reference was to study effects on metabolic syndrome, Applicants' undersigned representative fails to understand why one skilled in the art would be motivated to replace a compound such as irbesartan for which metabolic syndrome indices were studied with a compound such as L-158,809, albeit another angiotensin II receptor antagonist, when only cardiovascular indices are reported for L-158,809.

Thus, the claimed invention is not obvious in view of the combination of cited references. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §103(a) be withdrawn.

II. Conclusion

In view of the foregoing, Applicants respectfully submit that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Office is invited to contact Applicants' undersigned representative at 610.640.7859 if there are any questions regarding Applicants' claimed invention.

The Commissioner is hereby authorized to debit any underpayment of fee due or credit any overpayment to Deposit Account No. 50-0436.

Respectfully submitted,

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